IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 27th day of October, 2006
Crl. Bail Application No. 990 of 2006

Order on the Bail Application:
CRIMINAL SIDE

Rakesh S/o Rampal
R/o Village Mandavar, P.S. Mandavar
District Bijnore (U.P.). …….. Applicant

Versus

State of Uttaranchal ……. Opposite Party

Arising out of Crime No. 128 of 2006
Under Sections: 363. 366, 376 of I.P.C.
Police Station: Laksar
District: Haridwar.

Hon'ble Prafulla C. Pant, J.

Heard, Mr. Sanjeev Singh, learned counsel for the applicant and Mr. Amit Bhatt, learned A.G.A for the State.

Applicant Rakesh, who is in jail in connection with crime No. 128 of 2006, relating to offences punishable under Section 363, 366, 376 of I.P.C., P.S. Laksar, District Haridwar, has sought his release on bail.

Learned counsel for the applicant drew attention of this Court to Annexure -4 to the bail application, in which the Investigating Officer has observed that the girl is not supporting the prosecution story, narrated in the F.I.R. Annexure -5 to the bail application, further discloses that the girl Km. Parveena and applicant Rakesh intended to marry each other and they filed their affidavits before the Special Marriage Officer, Bijnor, for the same. The medical report, Annexure -3 to the bail application, discloses that no opinion as to the commission of rape on the girl could be given, after her examination by the Medical Officer.

In the facts and circumstances of the case, this Court is of the view, that the applicant deserves bail.

Let the applicant Rakesh be released on bail on his executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Magistrate, concerned.

(Prafulla C. Pant, J.)

Dt. 27.10.2006
H.Negi